

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LINDA L. STARKE COLSTEN,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:20-cv-3104-JMS-DML
)	
MUNCIE SANITARY DISTRICT,)	
)	
Defendant.)	

DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56 and S.D. Ind. L.R. 7-1 and 56-1, Defendant, Muncie Sanitary District (the “District”), by counsel, respectfully files its Motion for Summary Judgment in this action filed by Plaintiff, Linda Starke Colsten (“Ms. Colsten”), and in support thereof states as follows:

1. Ms. Colsten alleges that elimination of her position as the secretary in the District’s Bureau of Water Quality was unlawful and that the true reason for her dismissal was age discrimination in violation of the Age Discrimination in Employment Act (“ADEA”), disability discrimination in violation of the Americans with Disabilities Act (“ADA”), and retaliation for her use of leave under the Family Medical Leave Act (“FMLA”).

2. Ms. Colsten’s claims lack merit for at least three reasons. First, with regard to her ADA and ADEA claims, Ms. Colsten failed to exhaust her administrative remedies, as she failed to pursue a charge against the District before the EEOC. Second, with regard to the merits, there is no evidence that the District took any action against her on the basis of any protected characteristic or activity. Third, the evidence is undisputed that the District had a legitimate, nondiscriminatory reason for its decision to eliminate the secretarial position held by Ms. Colsten in order to cut operational costs and increase efficiencies in her department.

3. In support of its motion, the District files contemporaneously a Brief in Support of its Motion for Summary Judgment and designation of evidence, which are incorporated by reference.

WHEREFORE, Defendant, Muncie Sanitary District, by counsel, respectfully requests that this Court grant summary judgment in its favor pursuant to Fed. R. Civ. P. 56.

Respectfully submitted,

/s/ David L. Swider

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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2021, a copy of the foregoing “Defendant’s Motion for Summary Judgment” was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s CM/ECF system.

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/s/ David L. Swider

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